## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DEBBIE L. DOWELL,	)	
Plaintiff,	)	
	)	
<b>v.</b>	)	Case No. 3:14-cv-01314
	)	Judge Aleta A. Trauger
ROBERT M. SPEER, Acting Secretary,	)	
Department of the Army,	)	
	)	
Defendant.	)	

## **ORDER**

For the reasons set forth in the accompanying Memorandum, the plaintiff's Objections (Doc. No. 151) to the magistrate judge's Report and Recommendation (R&R) (Doc. No. 148) are OVERRULED IN PART AND GRANTED IN PART, and the R&R is ACCEPTED IN PART AND REJECTED IN PART. The plaintiff's Motion for Summary Judgment (Doc. No. 115) is **DENIED**, and the defendant's Motion for Summary Judgment (Doc. No. 125) is GRANTED IN PART AND DENIED IN PART.

Specifically, the court finds that the material factual disputes preclude summary judgment in the defendant's favor on the plaintiff's claim that the defendant discriminated against her based upon her race and retaliated against her for filing an EEO charge when it terminated a pending noncompetitive accretion of duties promotion initiated by the plaintiff's supervisor. The plaintiff's other claims, however, are **DISMISSED**.

It is so **ORDERED**.

This 23<sup>rd</sup> day of March 2017.

United States District Judge